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11/28/23 • COVID › NEWS

35-Year-Old Firefighter Injured by COVID Vaccine and Forced to Retire Sues New York City for Disability Benefits

A New York firefighter is suing New York City for denying him expanded disability payments after he was forced into early retirement due to permanent heart damage from the city-mandated COVID-19 vaccine. His lawyer says the denial is part of a "disturbing pattern of deliberate cruelty" toward the vaccine-injured and anyone who spoke out against the mandates.

By **Brenda Baletti, Ph.D.**

58

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A New York City firefighter diagnosed with permanent heart damage after he received the COVID-19 vaccine is suing the City of New York and its Fire Pension Fund.

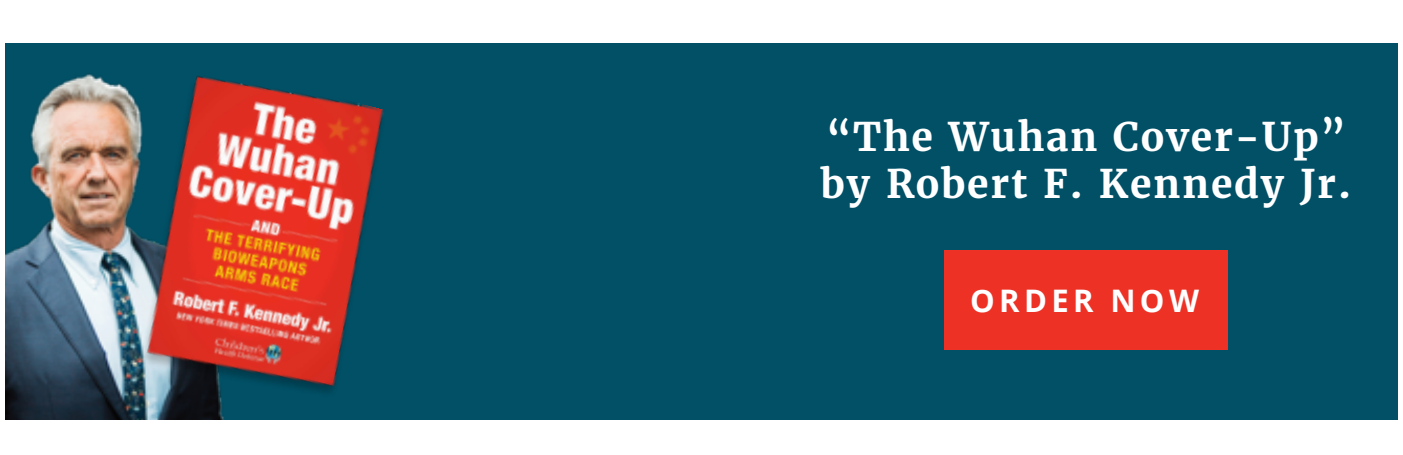
O'Brian Pastrana, whose injury forced him to retire, filed the suit after the Fire Pension Fund's Board of Trustees in June denied his request for more substantial disability benefits, the New York Post reported.

The New York City Fire Department (FDNY) Board of Health doctors concluded Pastrana's heart damage was caused by the COVID-19 vaccine, which was mandated for all New York City workers as a condition of employment. He is now living on only half his regular salary.

Pastrana received his first dose of the vaccine on Oct. 29, 2021. He suffered an immediate anaphylactic response, with hives, swelling of the lips and other symptoms that persisted for weeks.

He was treated in an emergency room (ER) and later seen by an FDNY doctor who diagnosed him as suffering from a COVID-19 vaccine side effect. The symptoms persisted and were intermittently severe, causing Pastrana to return to the ER and take time off from work.

Despite his ongoing allergic reaction and concerns he raised with his FDNY doctors about getting a second dose of the vaccine, the department required him to take the second shot, which he did on Nov. 23, 2021.



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Pastrana said his health deteriorated significantly following the second shot. "I was having shortness of breath, chest pain and I was super fatigued — I couldn't do anything. I was afraid I was going to die," he told The Defender.

His wife, a nurse, was worried he had a heart condition. But despite how severely ill he was, he said, "I was 35, I have no cardiac history, I thought it couldn't be that."

After another trip to the ER in February 2022, court records show Patrana was diagnosed with myocarditis and was almost in heart failure.

"They told me, 'You can never again be a NYC firefighter,'" Pastrana said. He couldn't believe it. "I kept saying to myself, maybe if I get a second opinion or a third opinion, maybe I'll hear something different. Every single one of them said the same thing."

In March, an FDNY doctor took him off full duty and recommended retirement.

There are different levels of disability retirement benefits available to firefighters, depending on what causes a disability. The fire commissioner granted him the minimal "ordinary disability retirement," which pays only 50% of his $92,000 salary, minus taxes.

Christina Martinez, his attorney, said he should be medically and legally eligible for "accidental disability benefits," which are typically awarded when a firefighter suffers an accidental injury and pays three-quarters of the firefighter's salary, without taxes taken out.

On the ordinary disability retirement, Pastrana said, "I can barely keep food on the table. My mortgage is more than I can afford."

Pastrana, a father of two and the primary breadwinner in his household joined FDNY as an emergency medical technician at age 20. After a 2013 promotion, he worked for 10 years as a firefighter and hoped to one day become a fire marshall.

Losing his job and his future was "beyond devastating" he said. "I was completely blindsided." He became severely depressed and anxious and was also diagnosed with post-traumatic stress disorder.

Almost worse, he said, was the lack of support from FDNY, to which he had dedicated his entire adult life. "It was the ultimate betrayal," he said.

Pastrana is now asking the judge to upgrade him to an accidental disability pension. "I just want to be able to support my family," Pastrana wrote in his petition to the court.

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'Who takes responsibility?'

Prior to filing the lawsuit, Pastrana petitioned the Fire Pension Fund for the upgrade. In June, at the Board of Trustees meeting, Martinez made his case to the board.

His doctors and the Medical Board of the New York City Pension Fund agree the injury was directly linked to the vaccine, and was classified as a "service-related" injury, she argued, which ought to entitle him to the expanded benefit.

The 24-member board is comprised of 12 members from the firefighters union and 12 from different city departments, including the fire commissioner.

Several union-affiliated board members made impassioned pleas to the entire board in favor of Pastrana's request.

Pastrana was following the orders of his superiors, the fire department and the City of New York when he got the shots, Uniformed Firefighters Association (UFOA) consultant Louis Sforza said during the pension fund meeting.

"Just about every doctor in the record indicated that he was being retired as a result of COVID-related disease as a result of the vaccine. There should be no question about him receiving a disability" Sforza said.

Once Pastrana had a reaction to the first shot, "there should never have been a second shot … I don't think we need to be a doctor to understand that," Sforza said.

Another member commented that the medical evidence supporting Pastrana's claim was "extraordinary" and he had never seen such compelling evidence for any claim.

"Who takes responsibility?"Jim Brosi from the UFOA asked, when people are compelled into an action and suffer for it.

The vote was split 50-50, with all union members voting in his favor and all city representatives voting to deny him the increased disability payments.

Martinez told The Defender the denial fits into a pattern of decisions by New York City to punish people speaking out against or dissenting from the city's COVID-19 vaccine policies.

She said:

> "The City's ruthless treatment of firefighter Pastrana reveals a disturbing pattern of deliberate cruelty. They mandated a vaccine, ignored severe allergic reactions, and then callously forced him into permanent disability. Now, they deny him the pension benefits he earned, pushing him to the brink.
>
> "The city's representatives, without a shred of empathy, voted against his rightful pension benefits, leaving him and his family in financial ruin. This is not just about one firefighter. It's a blatant attempt to crush any dissent against the mandate. The city's actions are not just punitive, they're an affront to justice and humanity. "

The lawsuit alleges the board's decision was "arbitrary and capricious," violating the lawful existing procedures and demonstrating an abuse of discretion.

The complaint invokes Article 78 of the New York Civil Practice Law and Rules, which would allow the court to set aside the allegedly improper decision of the board and grant Pastrana his request.

"There is absolutely no evidence to support the Board of Trustees' denial of Accidental Disability benefits, let alone evidence from a credible source that would generate any level of conviction in a finding of no causation. All of the evidence supports an award of Accidental Disability Benefits," the complaint says.

Pastrana tried working other jobs when he left the fire department, he said but has found he is completely unable to work.

"I am left in financial ruin on top of physically and mentally devastated," Pastrana wrote in his affidavit to the court.

He wants the court to help him achieve a "small sliver of justice."

Pastrana told The Defender he also wants justice for other vaccine-injured firefighters. "I know other people in the fire department who are suffering with the exact same thing," many of whom he met through the Bravest for Choice organization.

He's concerned, he said, because "it's all becoming so normal."

Watch this CHD.TV interview with Pastrana and his attorney:

CHD TV
O'Brian Pastrana
FDNY Firefighter

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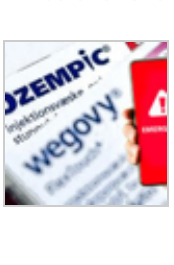
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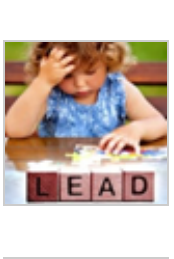
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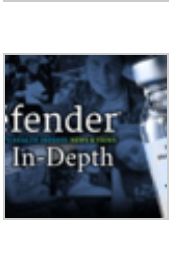
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Brenda Baletti, Ph.D.

Brenda Baletti Ph.D. is a reporter for The Defender. She wrote and taught about capitalism and politics for 10 years in the writing program at Duke University. She holds a Ph.D. in human geography from the University of North Carolina at Chapel Hill and a master's from the University of Texas at Austin.

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Best Newest Oldest

Ronny61
19 days ago edited

The mandate itself was inhuman, but to force a man who had anaphylaxis and other side-effects to an earlier shot is beyond the pale. Compelling a human being to have anaphylaxis is like forcing someone to play Russian-roulette. Really, it is akin to attempted murder.

44 0 Reply • Share ›

vgupta123 → Ronny61
19 days ago

Indeed. Can he sue them for attempted murder? That would be interesting. It may set a new legal precedent.

15 0 Reply • Share ›

Gregory Vadnais → vgupta123
17 days ago

I don't see attempted murder being possible but anything would be a positive even if it's the lowest bar which would be malfeasance.

0 0 Reply • Share ›

Cayman → Ronny61
19 days ago

Slightly wrong - the intent was murder by those who brainwashed leadership - starting at the top by a well coordinated big Pharma which initiated the same tactic almost simultaneously around the world. No flu, nor vaccine has ever been near simultaneously occurring or dispensed at near the same time worldwide. English speaking countries and Europe were the main attack points.

7 0 Reply • Share ›

SecondClassCanadian
19 days ago

These ppl are sooo disgusting. How can this go on??? They literally FORCED him to take the jab and then say, too bad? More ppl have to start suing these companies and the govt for what they did!

35 0 Reply • Share ›

Catherine H → SecondClassCanadian
19 days ago

NO...they did not FORCE him, he COMPLIED. Yes it may feel forced because if you don't comply you lose your job/career...but ulitimately this SCAMDEMIC, everyone (except children and the elderly that may not be of sound mind/judgement) had a choice, most likely the consequence of losing your job/livelyhood was at stake, but one's health is so much more important than a job. I was in this position as well and I didn't comply...were there consequences??? You bet, but today I am not vaccine injured...had covid once and came out of beautifully...followed the FLCC protocols without any issues. My friends that chose to comply are now all sick with various ailments...and still choose to take the boosters...some never learn and are so fully indoctrinated that they are literally killing themselves!

20 2 Reply • Share ›

sherry715 → Catherine H
19 days ago

Absolutely! I lost my nursing job, never had COVID until 8 months after I left, only had a 24-hour headache!! No COVID since then, and it's been 18 months. Just goes to show that your immune system will build immunity to the different COVID variants.

21 0 Reply • Share ›

DLT88 → sherry715
19 days ago

The whole covid scam is a scam. People in the beginning who had blood clots in their lungs got it from the fivegee. There is NO VIRUS with covid --- NONE found at all. Don't submit to those FAKE PCR tests because they are putting nano crud up below your brain. Everyone needs to realize the whole scam is a LIE!!! NO VIRUS -- NO VARIANTS. Even it were a virus, variants are far less deadly than the original virus -- just research and that alone proves they are lying to us about all of it. They planned this evil LONG ago but had to wait for the bioweapon erroneously named fivegee to become available. Wherever the fivegee towers and streetlights were installed --- vulnereable people had trouble breathing from the blood clots because that energy messes with our blood clotting timing. I retired from CA where many people were sick from it and went up to an area of OR where there was NO "covid" --- and you know why? Because no fivegee was installed here yet. As soon as it did, BINGO! People thought they had the flu -- it was the blood clotting in the lungs. I highly recommend reading "The Invisible Rainbow" by Arthur Firstenberg. The symptoms match the Spanish Flu which occurred when the new radar waves were installed. Italy found the covid cases were blood clots in the lungs -- same as what happened during the Spanish Flu.

6 0 Reply • Share ›

Jeans Roses → DLT88
13 days ago

yes, there is mainly parasites (which is why ivermectin works) and other weird things

2 0 Reply • Share ›

Gregory Vadnais → DLT88
17 days ago

I haven't seen any sound evidence to stretch it to the way you've just described it. If it was just as you explained it the mortality rate would have been a lot higher than it was.
There might be some correlation but nothing that could hold up in a court of law except in some rare cases with an attorney who was a rain maker.

0 0 Reply • Share ›

diana Mackin → Catherine H
19 days ago

They are not "killing themselves." It was exactly as if there was a gun to the head -- lose your job, career, residence, ability to feed your family, and everything you built up in the 10 or 20 or 30 years you invested in the company that is holding the gun .... Blaming the one the barrel is touching is sadistic.

Of course we have choices -- in so many cases to become homeless or find living rooms or basement to crash in, family and dog. To eat cheap food while looking for work after having been deemed to have quit -- no unemployment for you! No one prepares for this level of official brutality.

And as to the pureblood conceit? We ALL have the gunk in us. Shedding got us all. We don't have all of it, but enough already that we are in danger of clotting, we know that much. We're in this together. Don't kick the firefighters, or the others who tried to do the right thing and hurt themselves. We're gonna need each other to get through this.

16 0 Reply • Share ›

Dennisito → diana Mackin
15 days ago

Diana, best post on here!! I've often said there is a death penalty associated with vaccine refusal. Take it or starve, essentially. That is a slow death penalty. Same for those refused for life saving med treatment for remaining genetically original.

1 0 Reply • Share ›

John Smith → Catherine H
19 days ago

Speaking as a TRAINED ethics and bias expert im sorry but your arguement is not cogent. This coercion WAS forced compliance. Full stop. There was no real " choice". Ethically speaking to force or use coercion is the DEFINiTION of forced compliance.

11 0 Reply • Share ›

Catherine H → John Smith
9 days ago

Then tell me why I was able to make a choice?? Yes were there consequences...yes was it a tough going after I made the decision YES...Was I 'bullied" YES...was I made to feel selfish...YES! But I held my ground. I am not a TRAINED ETHICS /BIAS Expert...but I saw how the powers that be were forcing an untested/unresearched vaccine on the masses, differing opinions were being censored, generic medicines were being withheld, the medical establishment were literally killing people in the hospital with their "toxic remedies" and I knew in my gut something insidious was going on in the world...and I did my searching and reading since 12/2020 and my questions and concerns grew and grew...some were answered. And now I see what is happening to billions of people that so willingly pulled up their sleeves for these dna onnoculations not to mention all the other vaccines these pharm companies are throwings at us...and simply put...things ain't right!!!

0 0 Reply • Share ›

Blessed4ever → Catherine H
4 days ago

That's a heck of a job description "Trained Bias Expert"
Looks woke to me!

0 0 Reply • Share ›

Gregory Vadnais → Catherine H
17 days ago

It's not literally force by the truest definition but if you have dependents such as children and need to feed and clothe along with sheltering them it's pretty close.

1 0 Reply • Share ›

Jeans Roses → Catherine H
13 days ago

yes, cuz he could have /should have done some research, being a medical technician, and if so, he would at least be in a position to be able to work another job; now.......

0 0 Reply • Share ›

Someone
19 days ago

Best wishes to Mr. Pastrana. Cases like this are exactly why mandating medical treatments is wrong. They won't take responsibility for what happens to him but he wasn't allowed to say no even with a valid medical reason to refuse. To be honest, they should be charged with a criminal charge since his severe reaction to the first shot made it clear the second would do harm. Injecting him with this knowing the harm that was already done should be considered at best assault, possibly even attempted murder since he could have died. They should not just be paying his retirement benefits, they should be spending some time in jail.

29 0 Reply • Share ›

Judith Gee
19 days ago

ALL injured by the jab, USA wide, should get a group of lawyers and file suit. This s*it has GOT to stop ....

22 0 Reply • Share ›

freedomandjusticeforall
19 days ago

Lawsuits are the only thing these people understand. Good for him. He is helping not only himself, but others who have also suffered from this DoD-produced bioweapon, which was forced on the people of the world.

21 0 Reply • Share ›

John Smith → freedomandjusticeforall
19 days ago

Prison for these criminals is all that will stop this from ever happening again

4 0 Reply • Share ›

Ektor
19 days ago

I hope he gets $500,000/year.

18 0 Reply • Share ›

Dennisito → Ektor
15 days ago

Even if he does, it will not restore his health and dignity.

0 0 Reply • Share ›

Halifax
19 days ago

This is so very sad. But i cannot believe that after having anaphylaxis after jab#1 he actually got jab #2! We all have choices. He made the wrong choice, twice. Before anyone gives me hate I am here to tell you WE ALWAYS HAVE A CHOICE! I lost my job in healthcare for refusing the jabs. It meant i had to make drastic changes in my life. Consequently, I am healthy and still here.

14 0 Reply • Share ›

Catherine H
19 days ago

I am with Halifax, ultimately he volunteerily took the 2nd shot. After the side effects he suffered from the first shot, he should have NOT COMPLIED. Yes, he would have lost his job...but at least he might have been healthier to pursue another career, but now he is so disabled that he cannot do anything. However, I do believe they should grant him full disability pay!

13 0 Reply • Share ›

BChristine
19 days ago edited

My heart goes out to this young man who is injured for life now. Like so many, he was duped and fear-mongered into believing government, so-called Doctors and the like; and wanting to do the "right thing" for his job and family has now cost him plenty.

I sincerely hope he can heal from this - physically and emotionally. But more than that, I hope he gets justice in compensation from this corrupt NYCFD.

YES, he should have refused the 2nd jab, but he didn't. I only wish him the best.

11 0 Reply • Share ›

Bev Jo
19 days ago

Thank you. This is horrific and evil. And as soon as we share online we'll be harassed. I've had younger healthy friends almost die from the "vax." I will never agree to it. No, it doesn't stop Covid or make cases milder.

I got Covid from a new dentist and it was from putting someone contaminated in my mouth. Still, it was milder than any cold or flu I've ever had.

9 0 Reply • Share ›

Pat → Bev Jo
19 days ago

My brother-in-law died from the "vaccine" and a 67 year old friend was recently diagnosed with Parkinson's Disease, likely from the "vaccine". Steve Kirsch has done some investigation on that and has shown that PD is a "side effect". My husband was diagnosed with it 13 years ago, so I know what this young friend and his family are in for, and it's not pretty.

6 0 Reply • Share ›

lakewoodsteve → Bev Jo
19 days ago

99% of people with functioning immune systems handled pharma's patented/ gain of function SARS Co V 19 invention, as a normal flu! I caught it, and safe & effective ivermectin dropped my 104 temperature in 3 hours! I was good to go in 2/3 days! Without using Remdesivir! "In the study, 38 patients (72%) experienced adverse events (AEs), with 11 patients (21%) experiencing serious adverse events (SAEs) that were determined not to be study-drug related, including three participant deaths! I bet no Remdesivir or Jab victims were advised (AE's)!

3 1 Reply • Share ›

MultiChubby1 → lakewoodsteve
18 days ago

I almost died from covid at home. Please stop saying what a walk in the park covid was. It is divisive, delegitimizes others experiences and does the tyrants work for them.

0 0 Reply • Share ›

BTeboe
19 days ago

This is just the beginning of the lawsuits. The companies who mandated these injections violated federal law in making people take an experimental genetic therapy without informed consent. It won't be the pharmaceutical companies who sued as they are not the ones who mandated this garbage. It is going to get ugly.

7 0 Reply • Share ›

donegoing2002
19 days ago

God, why would he take a second dose after his first bad reaction?

6 0 Reply • Share ›

diana Mackin → donegoing2002
19 days ago

PROPAGANDA! "Side effects are rare, and mild." [See VAERS] "Vaccines are safe and effective." [VAERS] "Look at polio! Look at smallpox and how we eradicated those!" [The polio jab is causing active polio, and Mercola and the Midwestern Doctor have written on the smallpox deception recently.]

Because the propaganda is soooo deep that people still believe it, want to believe it. It's normal to WANT to trust experts, those people with info we don't have the time to acquire. That this trust is being abused is the real issue. Get Fauci life in prison, along with Gates and the others who were truly complicit.

6 0 Reply • Share ›

lakewoodsteve → donegoing2002
19 days ago

The Asch conformity "vision test", study found that participants were found to be more likely to conform to obviously wrong answers, if first given by other "participants", who were actually working for the experimenter.! I.E. Godless critical thinking free, will go along with the mob! I.E. how they got good Germans to shoot pregnant Jews holding babies! AND don't say, "Oh I would never do that" Would you risk your job or life "for the good of the people" by not going along with the sick mob! i.e. Most would! [Fact!]

2 0 Reply • Share ›

MultiChubby1 → lakewoodsteve
18 days ago

you are so correct.

0 0 Reply • Share ›

Halifax → donegoing2002

3 hours ago

Fear mongering. Lack of critical thinking skills. The belief that govt has his best interest at heart. Over watching CNN/MSNBC/ALL OTHER NEWS STATIONS….etc

0 0 Reply • Share ›

lakewoodsteve

19 days ago

Our 5 billion in fruad fines and *leader in cause of death, will spend a billion (i.e. chump change) to fight a law suite (as we saw with the Maya Kowalsky case!) It's sad over 30,000 have died from forced, never before tried/ experimental so-called vaccines! ALL in violation of the Nuremberg code and the Declaration of Helsinki. i.e. The Declaration was designed with a focus on clinical research. The Nuremberg Code is broader in scope, involving any and all experimentation involving human subjects! i.e. not forced medical experiments! As our leader in fruad & death has gave US! *see the Johns Hopkins [low-ball] iatrogenic study & the book Death by Medicine, documenting iatrogenic "medicine" kills over 2000 each day! Did you know that the good book teaches, "Death is the wages of sin."

4 0 Reply • Share ›

MultiChubby1

18 days ago

I have to say that it's really depressing how many people cannot think this situation through. 'If I don't take the shot, I'll lose my job, but I have my life and my vitality. If I do take the shot. I lose my job AND I'm so sick I can barely function." Come on people.

3 0 Reply • Share ›

Harold Crapper ➜ MultiChubby1

15 days ago

I decided life was more important and said go ahead and fire me, I never took the shot. They caved, I still work for the company, a government contractor is a big part of their business.

1 0 Reply • Share ›

Halifax ➜ Harold Crapper

3 hours ago

Good job!!!

0 0 Reply • Share ›

Stephen Thomson

19 days ago

NYC is beyond disgusting. The dictatorial way that COVID mandates were handled was unbelievably callous. Let's remember that in DC, Biden and his admin mandated that all federal staff must get the shot. However, The DOJ, both houses of Congress, Pfizer and Moderna employees were all exempted. How low can these people get. Also remember that Hochul has now circumvented the legal process for passing laws and now determined that people can be removed from their homes by law and quarantined in "camps" if the governor deems the person or people to be a risk to the greater good. I.e. unvaccinated is but one example.

This was the same state that mandated that sick seniors be removed from hospitals and returned to nursing homes where they infected and killed thousands of innocent seniors. What a swamp New Tork is. No wonder the mass exodus from that disgusting state.

3 0 Reply • Share ›

MultiChubby1 ➜ Stephen Thomson

18 days ago

Escape From New York. Where's Snake Pliskin when you need him?

0 0 Reply • Share ›

DLT88

19 days ago

GOOD FOR HIM!!! If everyone sued who was hurt by these 'mandatory' shots, we'd really give the people more power!!!!

3 0 Reply • Share ›

Genevieve Hawkins

18 days ago

I'm amazed that all this former firefighter is asking for is 75% disability payments when it sounds like the shots crippled him for life. Who are the evil people voting against this? They should be in prison...

2 0 Reply • Share ›

Christine Jahnig

19 days ago

Of course he should receive disability benefits. It isn't enough that the city forced him to expose himself to a dangerous drug. Now it wants to avoid responsibility for its actions and the result of those actions. SHAME !!!

2 0 Reply • Share ›

lonerngr88

19 days ago

Please double check your dates. You report him getting shots in 2021 but ER visit is in 2020???

2 0 Reply • Share ›

diana Mackin ➜ lonerngr88

19 days ago

Gotta be 2022.

2 0 Reply • Share ›

AbusedTaxpayer

18 days ago

Unfortunately, people will still vote for the tyrannical Democrats who forced them to take the "safe and effective" vaxxicide. New Yorkers love their leftist Democrats.

3 2 Reply • Share ›

Harold Crapper ➜ AbusedTaxpayer

15 days ago

I don't really feel sorry for the democrats who are injured, they voted the tyrant in.

0 0 Reply • Share ›

Jeans Roses

13 days ago

so he was a "medical technician" when he joined? That would suggest that he would be in a position to do some research into this drug they were forcing on him; at least he would be in a better position to work at a different job, if he'd done his homework and refused from the beginning. Most people are completely ignorant on health and medical issues, so they simply trust their govt, etc.

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